

**Planning Commissioner's Written Comments
February 9, 2016**

Rose Walk Club Blvd Z1500020

Buzby – I vote to approve. In particular, I applaud the developer's committed element that commits to seek the affordable housing density bonus for ten additional units. I do have concerns, which were raised by neighbors of the proposed development. These concerns are traffic issues especially with only one access road and drainage concerns due to the topography of the site. Finally, while I applaud the willingness to provide committed elements I would prefer to have commitments provided in advance rather than presented during the Planning Commission meeting.

Gibbs- To send forward to C.C with stated commitment requests as motioned and approved by Planning Commission.

Harris – Voted for.

Hollingsworth – Approve

Hyman – Voted to approve moving project forward with specified stipulations to include a review of several committed elements identified during the public hearing. Also wish to note that we are pleased with potential usage of the affordable Housing bonus with this project.

Miller – The city council should approve this rezoning only if the applicant's development plan contains the commitments contemplated in the Planning Commission's resolution. These three commitments should be similar to the following illustrative examples of the contemplated commitments:

1) *There shall be a mix of housing types as follows:*

- *Row houses / Townhouses - no fewer than 4 not more than 8*
- *Cottages – no fewer than 10 nor more than 36*
- *Single Family - no fewer than 10 nor more than 36*
- *Flex Rental - no fewer than 4 nor more than 12*

The total of all units shall not exceed 70 dwelling units which includes 10 from an anticipated density bonus for affordable housing as contemplated in sec. 6.6 of

the Durham Unified Development Ordinance. All units exceeding 60 shall be affordable as required under the density bonus provisions of the ordinance.

For the purposes of this development plan,

“Row House” shall mean a dwelling unit oriented in the same direction and built to the same line as one or more other dwelling units which are identical or substantially similar in design, height, massing, living area, roofline, and materials. A row house may be attached to or detached from another row house.

“Townhouse” shall mean a dwelling unit as defined in Article 16 of the Durham Unified Development Ordinance.

“Cottage” shall mean a dwelling unit which is smaller than 1,000 sq. ft. and not taller than 25 feet in height.

“Flex Rental” shall mean a dwelling unit which is attached to or detached from another dwelling unit. A flex rental shall conform to the requirements of an accessory dwelling as contemplated in sec. 5.4.2. of the Durham Unified Development Ordinance.

- 2) *More than 50% of the dwelling units shall be oriented to and have direct access to a shared community green space. For the purposes of this development plan, “Shared Community Green Space” shall mean an open space accessible by the owners and residents of the development that is not smaller than 2,000 sq. ft. in area. A shared community green space shall not include street rights of way, driveways, parking areas, required side, rear, or street yards, or required buffers or setbacks. A shared community green space shall not be narrower than 40 feet in width.*
- 3) *Except as noted below, there shall be a vegetative buffer along the development’s boundary with the right of way of Interstate Highway I-85. The buffer shall not be less than 25 feet in width and shall achieve an opacity of .8 (as contemplated in the Durham Unified Development Ordinance sec. 9.4.3) within five years following planting. Plant materials and planting shall conform to the requirements of the Unified Development Ordinance for a buffer of .8 opacity. The buffer may include a 12- foot masonry wall along some or all of it length in lieu of vegetation.*

These commitments are enforceable and conform to the spirit of what was offered by the developer during the hearing before us. The developer may submit different definitions of some of the concepts, and that's OK as long as they are substantially similar to these and consistent with the Commission's resolution.

This project could be an interesting experiment in new urbanism. It is being presented that way to the public that way. I know that the developer's knowledge of and commitment to new urbanist ideas is genuine. I am interested in some new urbanist ideas and want to encourage some experimentation, but I oppose using new urbanist vocabulary to mask bad development. As submitted, the PDR development plan attached to this project is essentially blank and contains nothing that requires the new urbanist result the developer is so enthusiastic about. I believe the developer is sincere, but I do not approve of giving developers the green light on planned developments on the "Trust me" system. The development plan requirement in PDR is there for a reason. It is a tool we must use. If we don't insist on development plan commitments that shape development the way we want it to go – or at least the way the developer represents it will go, PDR is little more than permission to do almost anything. By adding the commitments for housing types, shared green space, and a buffer along I-85 to this PDR proposal as the Planning Commission has recommended, we will at least insure that a kernel of new urbanist ideas will guide the actual development of the Rosewalk project.

It is important to note that this project is not a pocket neighborhood. A pocket neighborhood, as its creator, Ross Chapin, and others have described it, contains no more than 14-15 units on a parcel of commonly held property not much more than 1-2 acres. The developer has not called Rosewalk a pocket neighborhood and we should not either. The InterNeighborhood Council is working to understand the idea of pocket neighborhoods and how they might be used to good effect in Durham. The developer of Rosewalk, Mr. Chapman is part of that effort.

Finally, Mr. Chapman has offered to avail himself of the Affordable Housing Density Bonus. This is praiseworthy, but let us not be so mesmerized by the offer that we forget our duty to Durham to expect good development. The inclusion of affordable housing does not make a bad project a good one; it just condemns those who need affordability to live in a bad project.

Winders – I voted to recommend approval with additional commitments despite substantive and procedural reservation. First, I am concerned that this very dense development will not be compatible with the small but owner occupied and well-kept houses on Ruffin Street. Second, I am concerned that we have set a bad precedent by passing the case on to Council with incomplete commitments. However, the basic concept of a pocket neighborhood that includes at least 10 affordable units merits approval at the Planning Commission stage.

Mr. Whitley – I vote to approve. This project will be good for Durham.

